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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/055,156 04/04/98 GAZIT

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EXAMINER

WM01/0118

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HOM, S

ART UNIT

PAPER NUMBER

2661

DATE MAILED:

01/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/055,156

Applicant(s)

GAZIT, HILLEL

Examiner

Shick Hom

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 3,46,48,67,75 and 82 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,24,47,51,63 and 78 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17-23,25-45,49,50,52-62,64-66,68-74,76,77,79-81 and 83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11-6-00 have been fully considered but they are not persuasive.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

3. Claims 69 and 76-77 are objected to because of the following informalities: in claims 69 and 76 line 1 delete type which recite dependence from canceled claims "67" and "75," and insert ---68--- and ---71---, respectively. Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

4. Claims 4-15, 17-19, 21-23, 25-45, 49-50, 52-54, 57-62, 64, 66, 68, 70, 72-74, 77, 80-81, and 83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5-15, 17-19, 21-23, 25-45, 52-53, 57-62, 64, 66, 68-70, and 72-74, 76, 77 line 1 which recite "A method" is not clear as to whether they're reciting the method of the base claim or a new or another method. In claims 49-50 and 80-81, 83 line 1 which "A computer-readable" and "An apparatus" is not clear as to whether they're reciting the computer-readable and the apparatus, respectively, of the base claim. In claim 7 line 1 which recite "said maximum size" lacks clear antecedent basis because no maximum size have been previously recited in the claims and therefore the limitation is not clearly understood. In claim 4 line 9 which recite ---said portion--- is not clear as to whether it is reciting ---said portion of new data--- or ---said portion of old data---. In claim 22 line 3 which recite the index of n and m is not clear as to what are the ranges of values for n and m. In claim 54 lines 3 and 4 which recite "an old data

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stream" and "a new data stream" are not clear as to whether they're reciting ---said old data stream--- and ---said new data stream--- as in claim 51 lines 1 and 1-2. In claim 60 lines 2, 4, and 5 which recite "said frame" is not clear whether it is reciting the frame of claim 51 line 11 or the initial frame of lines 10-11 or what. In claim 66 line 1 which recite "said GOP" lacks clear antecedent basis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 20-21, 54, 71-74, and 79-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lechleider in view of Wine et al.

Lechleider disclose nearly all the subject matter now claimed. Note col. 1 lines 50-62 which recite the method of controlling data flow over a transmission whereby a sending

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system and a receiving system have multiple data buffers, the receiving system informs the sending system, in response to a sending system request, of the number of empty data buffers in the receiving system, the sending system can then propagate no more than the number of bits that will fill the empty receiver buffers and after the receiving system empties a number of buffers, the receiving system sends this information to the sending system wherein the receiving system and the sending system alternately communicate the number of empty receive data buffers and data bits to fill the buffers and col. 2 lines 21-40 which recite the transmitter simultaneously processes both the incoming uniform data stream and the incoming bursty data stream for transmission over the communication medium, including the buffer for storing the uniform data stream and data stuffer for storing null data in the uniform transmitter buffer whenever the contents of the uniform transmitter buffer are less than a predetermined threshold whereby a single data stream is generated composing of interleaved portions of the uniform data stream, including null data and the bursty data stream clearly anticipate the method for correcting overflow of encoded data stream during splicing of data stream portions including causing a delay of scheduled transmission time by adding null packets to the data stream portion as in claims 1, 2, 20-21, 54, 71-74, and 79-81.

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Lechleider did not teach the step of accelerating a subsequent part of the data stream portion as in claims 1, 2, 20-21, 54, 71-74, and 79-81.

Wine et al. teach that it is known to provide rate control for delivering frames at a specified rate whereby the decoder buffer will not underflow wherein the next frame is delivered to the decoder buffer before the buffer is emptied as set forth at col. 15 lines 8-17 in the field of digital communications for the purpose of synchronizing compressed data streams to facilitate stream selection and splicing operations which clearly anticipate the step of accelerating a subsequent part of the data stream portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the step of accelerating a subsequent part of the data stream portion as taught by Wine et al. to the system of Lechleider because Wine et al. teach the desirable advantage of using available bandwidth more efficiently by accelerating a subsequent part of the data stream portion and said efficient use of bandwidth being desirable to achieve efficient system operation in Lechleider.

7. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha et al. in view of Porter et al.

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Radha et al. disclose nearly all the subject matter now claimed. Note col. 4 lines 9-16 which recite the method for encoding digital video bit streams with seamless splice points including the step of splicing a first digital video bit stream at an Out Point into a second digital video bit stream at an In Point having the steps of measuring and computing the difference  $W$  equal to delay time between data streams and waiting an amount of time equal to  $W$ , and then switching into the In Point clearly reads on the means and steps of determining splice-in point of the new data stream as in claims 55-56.

Radha et al. did not recite means and steps for closing an initial open group of pictures if the new data stream includes an initial open group of pictures.

Porter et al. teach that it is known to for the video editor to include means for generating a new video file from pre-existing video files whereby the video editor selects frames from the pre-existing video files based on editing commands and the information contained in the tag files of the pre-existing video files including the start position and end position specified for each sequence to be created by the video editor wherein it adds prefix and suffix data between video data to ensure that the new video file conforms to the desired format clearly anticipate



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means and steps for closing an initial open group of pictures if the new data stream includes an initial open group of pictures.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the means and steps for closing an initial open group of pictures if the new data stream includes an initial open group of pictures as taught by Porter et al. to the system of Radha et al. because Porter et al. teach the desirable advantage of providing a digital video editor in a digital video delivery system which maintains compliance with data stream format expected by the decoder so that new video files created are created without the need to perform additional analog-to-digital encoding and said method without need to perform additional analog-to-digital encoding being desirable to achieve more efficient system operation in Radha et al.

***Allowable Subject Matter***

8. Claims 16, 24, 47, 51, 63, and 78 are allowed.
9. Claims 4-15, 17-19, 22-23, 25-45, 49-50, 52-53, 57-62, 68, 70, and 83 would be allowable if rewritten or amended to overcome

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the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hurst, Jr. discloses information stream syntax for indicating the presence of a splice point.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications  
intended for entry)

Or:

(703) 308-5403, (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

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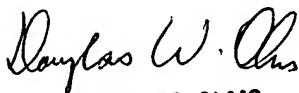
Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist (703) 305-4700).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

SH

January 15, 2001

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600